

☐ Interpreter Required

UNITED STATES DISTRICT COURT
for the
MIDDLE DISTRICT OF TENNESSEE

U.S.A. vs. Bashir Yasin Mohamud

Docket No. 3:10-00260-19

Petition for Action on Conditions of Pretrial Release

COMES NOW Burton Putman, PRETRIAL SERVICES OFFICER
presenting an official report upon the conduct of defendant Bashir Yasin Mohamud
who was placed under pretrial release supervision by the _____
sitting in the Court at Nashville, Tennessee, on June 15, 2012, under the following
conditions: Please reference the attached Order Setting Conditions of Release

Respectfully presenting petition for action of Court and for cause as follows:

Please reference page two of this document

I declare under penalty of perjury that the foregoing is true and correct.

W. Burton Putman
U.S. Pretrial Services Officer

Nashville, TN
Place:

October 15, 2012
Date:

Next Scheduled Court Event

Event

Date

PETITIONING THE COURT

- ☐ No Action ☐ To issue an order setting a hearing on the petition
☐ To Issue a Warrant ☒ Other To modify the conditions of release

THE COURT ORDERS:

- ☐ No Action ☐ A Hearing on the Petition is set for
☐ The Issuance of a Warrant.
☐ Sealed Pending Warrant Execution
(cc: U.S. Probation and U.S. Marshals only)

☒ Other As additional conditions of release, the undersigned orders that:
1. Defendant Mohamud shall immediately surrender his passport to Pretrial Services.
Considered and ordered this 15th day
of October, 2012, and ordered filed
and made a part of the records in the above
case.

Date _____ Time _____
2. Defendant Mohamud shall not obtain a new passport during the pendency of this case.

John Bryant
Honorable John S. Bryant
U.S. Magistrate Judge

Honorable John S. Bryant
U.S. Magistrate Judge
Petition for Action on
Mohamud, Bashir Yasin
Docket No. 3:10-00260-019
October 15, 2012

On June 15, 2012, the defendant, Bashir Yasin Mohamud, was released by Your Honor on a Personal Recognizance bond and pretrial services supervision. The defendant almost immediately returned to Minneapolis, Minnesota, and has since been under the courtesy pretrial supervision of the U.S. Pretrial Services Office in the District of Minnesota.

Special Conditions of Pretrial Release:

Please reference the attached Order Setting Conditions of Release.

It has just come to the attention of Pretrial Services that the defendant is in possession of a valid passport and has refused to surrender the passport to his pretrial services officer unless specifically ordered to do so by the Court.

Additionally, the defendant has committed the following violations of his pretrial supervision:

VIOLATION(S):

Violation No. 1: Failure to report as directed for random drug testing:

The defendant failed to report as directed for random drug testing on both August 11, 2012, and September 22, 2012. His pretrial services officer reported that the defendant did report for drug testing on August 12, 2012, and on September 23, 2012, and that both tests were negative. He purported to the officer that he had simply forgotten to call to determine if August 11, 2012, and September 22, 2012, were scheduled drug testing days.

Current Status of Case:

According to PACER, there is no court date currently scheduled before the Honorable William J. Haynes, Jr., Chief U.S. District Judge.

Probation Officer Action:

This writer maintains ongoing contact with the U.S. Pretrial Services Office in Minneapolis, Minnesota, regarding Mr. Mohamud and his pretrial release. The defendant's pretrial services officer has verbally reprimanded the defendant and placed him on curfew beginning daily at 5 p.m. in response to the two missed drug tests.

When the pretrial services officer in Minnesota discovered the defendant was in possession of a valid passport, she encouraged the defendant to surrender same to Pretrial Services. The defendant reportedly stated that he would not surrender his passport unless specifically ordered

Honorable John S. Bryant
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by the Court to do so.

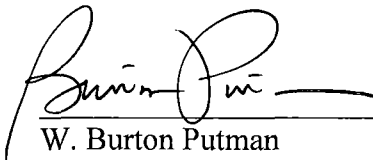
Respectfully Petitioning the Court as Follows:

The purpose of this petition is two-fold. First, it is requested that Your Honor modify the defendant's conditions of release as follows:

1. The defendant shall immediately surrender his passport to Pretrial Services.
2. The defendant shall not obtain a new passport during the pendency of this case.

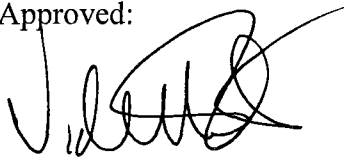
Second, the defendant has violated the terms of his release by failing to report for drug testing on two occasions. Pretrial Services is not requesting that the Court take any specific action regarding the defendant's noncompliance with drug testing. Pretrial Services in the District of Minnesota has issued in house sanctions for those violations.

Submitted by:



W. Burton Putman
Supervising U. S. Probation Officer

Approved:



Vidette A. Putman
Supervising U.S. Probation Officer

Attachment: Order Setting Conditions of Release

cc: Mr. Van Vincent, Assistant U.S. Attorney
Mr. Bob Lynch, Defense Counsel

UNITED STATES DISTRICT COURT
for the
Middle District of Tennessee

United States of America)

v.)

Case No. 3:10-00260 (19)

Bashir Yasin Mohamud)

Defendant)

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate any federal, state or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must immediately advise the court, defense counsel, and the U.S. attorney in writing before any change in address or telephone number.
- (4) The defendant must appear in court as required and must surrender to serve any sentence imposed

The defendant must appear at (if blank, to be notified) _____ to be notified
Place

_____ on _____
Date and Time

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released on condition that:

- (☒) (5) The defendant promises to appear in court as required and surrender to serve any sentence imposed.
- (☐) (6) The defendant executes an unsecured bond binding the defendant to pay to the United States the sum of _____ dollars (\$ _____)
in the event of a failure to appear as required or surrender to serve any sentence imposed.

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICES U.S. ATTORNEY U.S. MARSHAL

RE: **Mohamud, Bashir Yasin**
Docket No. 3:10-cr-00260-19
Special Conditions of Bond

1. The defendant shall report to pretrial services as directed.
2. The defendant shall have all changes in residence and employment pre-approved by the pretrial services officer.
3. The defendant shall maintain or actively seek employment.
4. The defendant shall be subject to a curfew as directed by the pretrial services officer. During non-curfew hours, the defendant's activities away from his residence shall be restricted to pre-approved absences for gainful employment, attorney visits, religious services, medical care or treatment needs, and such other times as may be specifically authorized by the pretrial services office. Electronic monitoring, as directed by pretrial services, shall be used to monitor compliance. This condition is in compliance with 18 U.S.C. § 3142(c)(1)(B).
5. The defendant shall not travel outside of the District of Minnesota, except travel to and from the Middle District of Tennessee for attorney visits and required court appearances, without prior approval of the pretrial services office.
6. The defendant shall avoid all contact, directly or indirectly, with any persons who are or may become a victim or potential witness in the subject investigation or prosecution, including any family member of the alleged victims.
7. The defendant shall refrain from use or unlawful possession of a narcotic drug or other controlled substances as defined in 21 U.S.C. Section 802, unless prescribed by a licensed medical practitioner.
8. The defendant shall submit to any method of testing required by the pretrial services officer or supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, and/or any form of prohibited substance screening or testing.
9. The defendant shall participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the pretrial services officer or supervising officer. The defendant shall pay all or part of the cost for substance abuse treatment if the United States Probation and Pretrial Services Office determines the defendant has the financial ability to do so or has appropriate insurance coverage to pay for such treatment.
10. The defendant is prohibited from possessing any firearms, dangerous weapons or other destructive devices.
11. The defendant shall notify the pretrial services officer within 72 hours of any law enforcement contact.
12. The defendant shall permit pretrial services officers to visit him anytime at his home or elsewhere without advance notification. The defendant also shall permit confiscation of any contraband observed in plain view of the pretrial services officer.

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.

Bashir Mohamed
Defendant's Signature

Minneapolis, MN
City and State

Directions to the United States Marshal

- (X) The defendant is ORDERED released after processing.
() The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: June 15, 2012

John Bryant
Judicial Officer's Signature

JOHN S. BRYANT, U.S. MAGISTRATE JUDGE
Printed name and title

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL